

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ZVI NITZAN

Serial No.: 08/831,379

Filed: April 1, 1997

For: FLEXIBLE THIN LAYER OPEN
ELECTROCHEMICAL CELL

Examiner: Bruce F. Bell

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Group Art Unit: 1741

Attorney
Docket: 512/3

TERMINAL DISCLAIMER

Dear Sir:

Petitioner, Baruch Levanon is the owners of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 5,652,043. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 28 January, 1998



Mark M. Friedman
Attorney for Applicant
Registration No. 33,883

Terminal disclaimer fee under 37 CFR 1.20(d) is to be charged to Deposit Account 06-2140. A duplicate copy of this letter is enclosed for this purpose.

PTO suggested wording for terminal disclaimer was unchanged.